



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Patty Bubar  
Acting Director

February 6, 2018

### NOTICE OF AD 2017-4 ADMINISTRATIVE PUBLIC HEARING (Revised)

TO: Keith Levchenko, Senior Legislative Analyst  
County Council

Rich Weaver, Acting Manager, Area Three Planning Team  
Maryland - National Capital Park and Planning Commission

Ray Chicca, Manager, Development Services Division  
Washington Suburban Sanitary Commission

Heidi Benham, Manager, Well and Septic Section  
Department of Permitting Services

Category Change Request Property Owners and Applicants

FROM: George Dizelos, Planner III, Water and Wastewater Policy Group  
Department of Environmental Protection

SUBJECT: **Administrative Public Hearing AD 2017-4 for Water and Sewer Plan Amendments**

DATE & TIME: **Wednesday, February 21, 2018, at 2:30 p.m.**

LOCATION: **DEP Lobby Conference Room**, 255 Rockville Pike, Suite 120, Rockville

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Please be advised that the Montgomery County Department of Environmental Protection (DEP) will hold an administrative public hearing as specified above on the following requested category map amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan:

17-APH-01A..... Solomon  
17-CLO-03A..... CITIMORTGAGE Inc.  
17-TRV-09A..... Glenstone Foundation

To assist with your review of these proposed actions, DEP has created and posted a PDF to the "Service Area Category Changes" webpage at [www.montgomerycountymd.gov/water/supply/category-changes.html](http://www.montgomerycountymd.gov/water/supply/category-changes.html). Select the blue "Application Hearing Schedule" tab to expand the section, then scroll down to the "Current Administrative Review Packet" heading. The hearing notice PDF includes the following information for the proposed amendments:

- Information summaries
- Staff reports and recommendations
- Mapping
- Supporting documents, as appropriate

We ask that Council staff provide the posted materials to the Councilmembers for their review. If Council staff members and aides would like to meet with DEP regarding the proposed amendments, call me to review the case before the public hearing. We request that the Council submit comments no later than the hearing record

closing date (see below). Otherwise, we will assume that the Councilmembers agree with administrative approval as recommended for the requests.

We understand that the Montgomery County Planning Board will include this administrative packet for consideration on its agenda.

Attendance at this hearing for agencies, applicants, and others is optional. These requests will be considered at the time specified on page 1. If you wish to comment on a referenced amendment or on the staff recommendations, you may testify at the public hearing, or you may submit written testimony to: Patty Bubar, Acting Director, DEP; 255 Rockville Pike, Suite 120; Rockville, MD 20850-4166; or to [george.dizelos@montgomerycountymd.gov](mailto:george.dizelos@montgomerycountymd.gov). **DEP will close the record on February 28, 2018.**

Please do not hesitate to contact me at [george.dizelos@montgomerycountymd.gov](mailto:george.dizelos@montgomerycountymd.gov) or at 240-777-7755 if you have any questions concerning these category change requests or the schedule provided.

GJD: gjd\\depfiles\data\Programs\Water\_and\_Sewer\actions-AD\2017\AD-2017-4\ad-hearing-notice-draft--2017-4--1207--ads-rvw.docx

cc: Hans Riemer, President, County Council  
Casey Anderson, Chairperson, Montgomery County Planning Board  
Katherine Nelson, Area 3 Planning Team, M-NCPPC  
Pamela Dunn, Functional Planning and Policy Division, M-NCPPC  
Geoffrey Mason, Parks Planning and Stewardship Division, M-NCPPC  
Beth Kilbourne & Rufus Leeth, Development Services Division, WSSC  
Luis Tapia, Permit Services Section, WSSC  
D. Lee Currey, Director, Water and Science Admin., Maryland Dept. of the Environment  
Robert McCord, Acting Secretary, Maryland Department of Planning

Category Change Applicants & Interested Parties

17-APH-01A .....Lisa Solomon  
17-CLO-03A .....CITIMORTGAGE Inc.  
.....Tatyana Baytler, Real Estate Broker  
17-TRV-09A .....Glenstone Foundation  
.....Barbara Sears, Linowes and Blocher LLP

Civic Organizations and Other Public Interest Groups

Norbeck Woods Homeowners Assn.  
Layhill Alliance  
Allanwood Gayfields Wilson Hills  
Layhill Civic Association  
Glenmont Exchange  
Allied Civic Group  
Cloverly/Fairland/White Oak CAC  
Cloverly Civic Association  
Llewellyn Fields Homeowners Assn. Inc.  
West Montgomery County Citizens Assn.  
Potomac Chamber of Commerce

**WSSCR 17-APH-01A: Lisa Solomon**

**DEP Staff Recommendation: Approve S-1.** Administrative policy V.F.1.a: Consistent with Existing Plans.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"><li>• 2161 Marymont Rd., Silver Spring</li><li>• Lot 18, Block F, Allanwood (acct. no. 01394325)</li><li>• Map tile: WSSC – 221NW02; MD –JS12</li><li>• North side of Marymont Rd., east of intersection of Merrifields Dr.</li><li>• R-200 Zone; 1.0 acre (43,560 sq. ft.)</li><li>• Aspen Hill Planning Area Aspen Hill Master Plan (1994)</li><li>• Northwest Branch Watershed (MDE Use IV)</li><li>• <u>Existing use</u>: Existing Single Family Home <u>Proposed use</u>: Keep Existing Single Family Home</li></ul>	<table><tr><th colspan="2">Existing – Requested – Service Area Categories</th></tr><tr><td>W-1</td><td>W-1 (No Change)</td></tr><tr><td>S-6</td><td><b>S-1</b></td></tr></table> <p><u>Applicant's Explanation</u></p> <p>DEP Summary: Septic system is failing, public sewer service is required to relieve system failure.</p> <p><i>DEP note: An Advanced Action was granted for this property on June 29, 2017. Failed septic system verified by DPS on June 29, 2017.</i></p>	Existing – Requested – Service Area Categories		W-1	W-1 (No Change)	S-6	<b>S-1</b>
Existing – Requested – Service Area Categories							
W-1	W-1 (No Change)						
S-6	<b>S-1</b>						

**DEP Staff Report:** The applicant has requested approval of sewer category S-1 to allow for public sewer service for the relief of a failing septic system. The lot is currently improved with a single family home. This property is one acre in size, zoned R-200, and is located within the County's planned public sewer service envelope. An existing 8-inch-diameter sewer main abuts the property along Marymont Rd.

M-NCPPC staff concur that the property is within the sewer service envelope of the 1994 Aspen Hill Master Plan. DPS staff have verified the septic system failure at this property. WSSC confirms that connecting the property to sewer service can be supported. DEP staff recommendation is for the approval of category S-1. The advance action on June 29, 2017 was granted using the public health problems policy; however, this administrative action is recommended under the consistent with existing plans administrative policy.

**Agency Review Comments**

**DPS:** The area inspector from the Well and Septic Section conducted an assessment on June 9, 2017 and verified the septic system failure. This property is surrounded by properties that are in the S-1 service category and the sewer line runs in the street in front of the house. - JLF

**M-NCPPC – Planning Dept.:** This R-200-zoned, 1.0-acre lot within the 1994 Aspen Hill Master Plan, is within the sewer envelope and eligible for sewer service. In addition, a confirmed failing septic system and the presence of an abutting sewer main supports sewer service to this property.

**M-NCPPC – Parks Planning:** No park impacts.

**WSSC - Water:** (not requested)

**WSSC - Sewer:** Basin: Northwest Branch (10). An 8-inch line in Marymont Rd abuts the property (contract #1990-08808A). Sewer extension is not required to serve the property. Average wastewater flow from the proposed development: 302 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

MEMORANDUM

June 29, 2017

TO: Ray Chicca, Group Leader, Development Services Group  
Luis Tapia, Unit Coordinator, DSG Permit Services  
Washington Suburban Sanitary Commission

FROM: George Dizelos, Environmental Planner, Water and Wastewater Policy Group  
Department of Environmental Protection

SUBJECT: Public Health Problems

We request WSSC's assistance in expediting the provision of public service to the following property:

**Sewer Service: 2161 Marymont Rd, Silver Spring**

Property ID:	Lot 18, Block F, Allanwood; acct.no. 01394325 – (SDAT tax map: JS12)
Owner:	Lisa Solomon
WSSC grid:	221NW02
Planning Area:	Aspen Hill
Water Category:	W-1
Sewer Category:	S-5
Zoning/Size:	R-200
Watershed:	Northwest Branch

The Department of Permitting Services (DPS), Well and Septic Section, has advised this office of a public health problem, a septic system failure, at the subject property (see the attached memorandum). DPS recommended relief of this problem by connecting the site to public sewer service, due to a failing septic system. The property is designated as sewer service category S-5. The property abuts an existing sewer main on Marymont Rd.

Although this property is designated as category S-5 in the County's Water and Sewer Plan, DPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. DEP has initiated the process to have the property owner file a request for a service area change from S-5 to S-1.

Given these conditions, it is reasonable to relieve this public health hazard by expediting the provision of public sewer service. WSSC does not need to wait for the approval of a Water and Sewer Plan amendment to provide public sewer service; public service via the WSSC's system should be provided as soon as possible. We would appreciate your assistance in this matter.

The property owner will need to contact WSSC to begin the application process for public sewer service. Neither DEP nor DPS staff can initiate a WSSC service application on the owner's behalf. Contact the WSSC Permit Services Section at either 301-206-4003 or [onestopshop@wsscwater.com](mailto:onestopshop@wsscwater.com). Additional information is

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Office of the Director • Water and Wastewater Policy Group

Rockville Center, Suite 120 • 255 Rockville Pike • Rockville, Maryland 20850-4166 • 240-777-7716 • FAX 240-777-7715

Mike Harmer and Luis Tapia, WSSC  
June 5, 2017

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available at the WSSC-Permits website at <https://www.wsscwater.com/business--construction/permit-services.html>.

If you have any questions, or if there are significant problems related to provision of sewer service, please contact me at [George.Dizelos@montgomerycountymd.gov](mailto:George.Dizelos@montgomerycountymd.gov) or 240-777-7755.

Attachments (see pages 3 and 4)

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cc: Lisa Sine, Sharon Spruill and April Snyder, Permit Services Unit, WSSC  
David Lake and Alan Soukup, Water and Wastewater Policy Group, DEP  
Gene Von Gunten and Kim Beall, Well and Septic Section, DPS  
Pamela Dunn, Functional Planning Division, M-NCPPC  
Richard Weaver and Katherine Nelson, Area 3 Planning Team, M-NCPPC  
Lisa Solomon



DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett  
*County Executive*

Diane R. Schwartz Jones  
*Director*

June 29, 2017

**Memorandum**

To: Alan Soukup  
Department of Environmental Protection  
255 Rockville Pike  
Rockville, Maryland 20850

From: Kim Beall   
Well and Septic Section  
Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup> floor  
Rockville, Maryland 20850

Subject: Request for category change

Location: 2161 Marymont Road  
Tax Map Grid: JS 12  
WSSC GRID: 209 NW 9

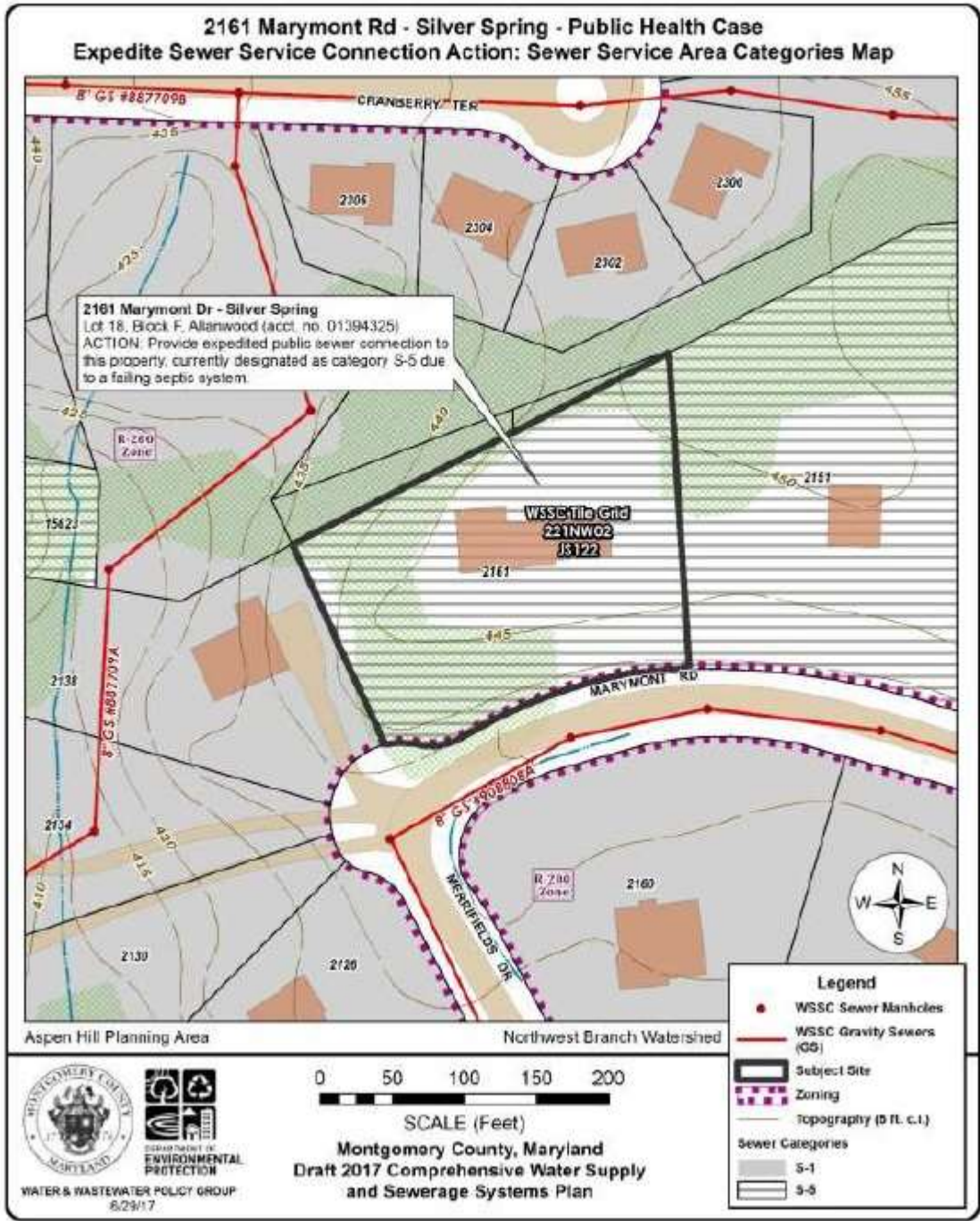
Mrs. Solomon, the new property owner, has requested our assistance in getting an expedited sewer connection due to a failing septic system on this property. I was on site on June 9, 2017 and confirmed that the existing septic trenches are failing (under the concrete driveway and inaccessible). The subject property is in sewer category S-5 and needs a category change. A mainline sewer abuts the front of the property.

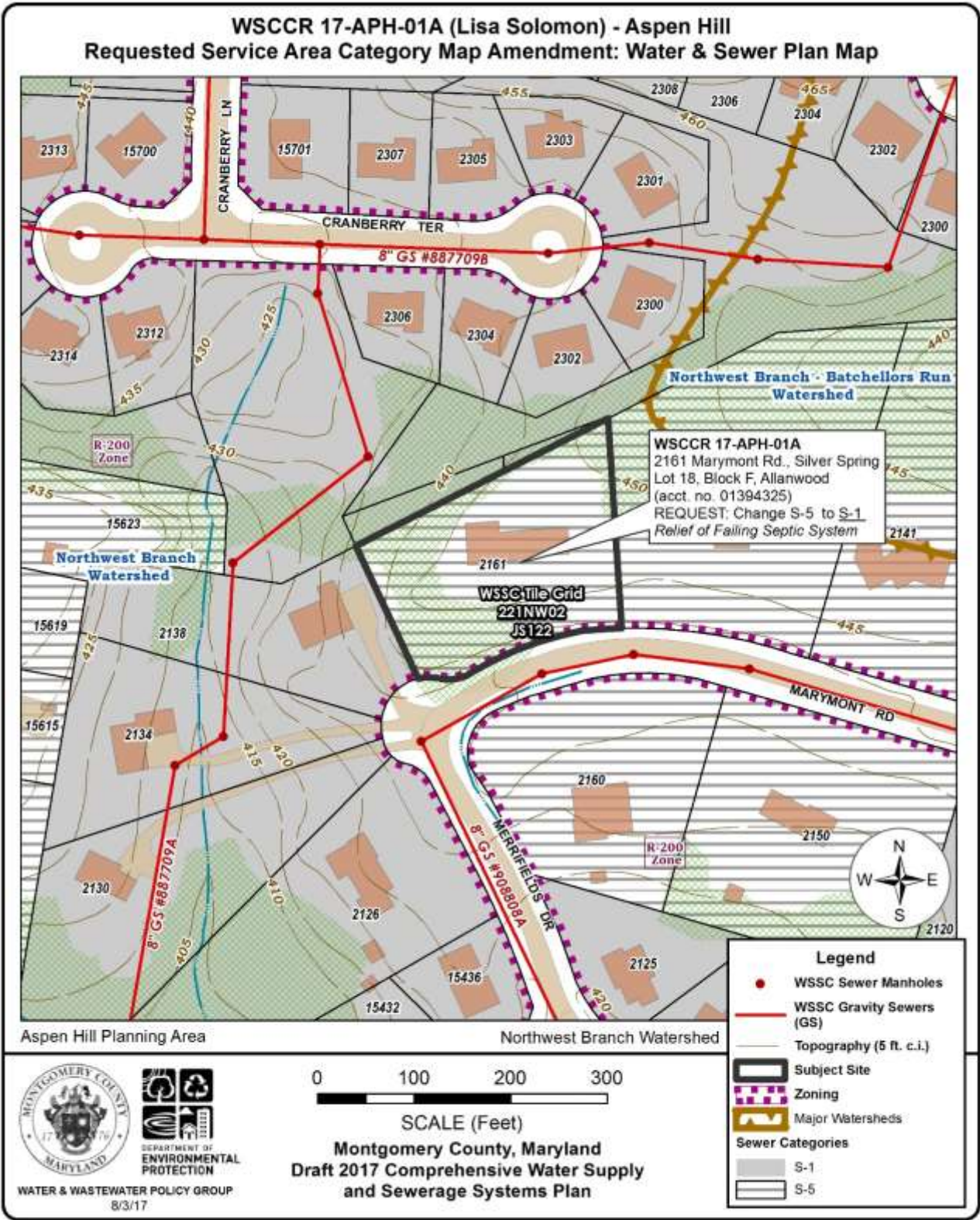
If I can be of further assistance, please contact me at 240-777-6315.



Mike Harmer and Luis Tapia, WSSC  
June 5, 2017

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## WSSCR 17-CLO-03A: CITIMORTGAGE

DEP Staff Recommendation: **Revised recommendation (2/6/18) - Approve S-3, restricted to a single sewer hookup only, to relieve a failed septic system.** Administrative policy V.F.2.a: public health problems.  
**Approve W-3.** Administrative policy V.F.1.a: consistent with existing plans.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification									
<ul style="list-style-type: none"><li>939 Norwood Rd., Cloverly</li><li>Parcel P799, Snowdens Manor Enl (acct. no. 00263503)</li><li>Map tile: WSSC – 222NW01; MD –JS33</li><li>East side of Norwood Rd. south of Llewellyn Manor Dr.</li><li>RE-2C Zone; 12,948 sqft</li><li>Cloverly Planning Area Cloverly Master Plan (1997)</li><li>Northwest Branch Watershed (MDE Use IV)</li><li><u>Existing use</u>: Single Family House</li><li><u>Proposed use</u>: Single Family House</li></ul>	<table><tr><th>Existing –</th><th>Requested –</th><th>Service Area Categories</th></tr><tr><td>W-5</td><td><b>W-3</b></td><td></td></tr><tr><td>S-6</td><td><b>S-3</b></td><td></td></tr></table> <p><u>Applicant's Explanation</u> "Septic is failing."</p> <p><i>DEP Note: Advanced Action issued by DEP on May 17, 2010 due to failed septic system as verified by DPS on May 13, 2010.</i></p>	Existing –	Requested –	Service Area Categories	W-5	<b>W-3</b>		S-6	<b>S-3</b>	
Existing –	Requested –	Service Area Categories								
W-5	<b>W-3</b>									
S-6	<b>S-3</b>									

**(Revised) DEP Staff Report:** The applicant has requested approval of sewer category S-3 and water category W-3 to allow for public sewer and water service for the relief of a failing septic system. The property is 12,948 square feet in size, zoned RE-2C, and is located within the planned sewer and water service envelopes. DPS has verified a failing septic system on June 25, 2012. M-NCPPC Parks have concluded that there are no park impacts. WSSC has confirmed that sewer and water extensions will be required to provide service to this property. M-NCPPC staff concur that the provision of water service is consistent with the Cloverly Master plan and that sewer service can be supported. The extension of water service to this property will abut one additional property. This additional property is in water category W-1 and within the water service envelope. The extension of public sewer service to this property will abut one additional property. This additional property is in sewer service category S-3 and within the sewer service envelope. An advance action on May, 17, 2010, was granted using the public health problems policy. DEP staff recommendation is for the approval of water and sewer categories W-3 and S-3, to relieve a public health problem.

**(DEP Staff report revised based on M-NCPPC's staff report)**

### Agency Review Comments

**DPS:** An inspection of this property verified a failing septic system that was a public health hazard. On June 25, 2012 representatives from DPS and MDE conducted a joint site evaluation of the property. The soils and landscape position of the property were found unsuitable for the proper function of a septic system. The recommendation of the MDE Regional Consultant was that the property would not even support an innovative (experimental) septic system and protect the public health or the environment and should be connected to public sewer. The house on the property was built in 1939 and the lot is only 12,948 square feet (0.297 acres). JLF

**M-NCPPC – Planning Dept.:** This RE-2-zoned, 0.3-acre parcel is a non-conforming house location along the north side of Norwood Road. Lots in this area are normally at least two acres in size. Although the Cloverly Master plan does not support sewer service in this general area, service can be granted due to the presence of a failing septic system. The master plan supports water service to this property.

**M-NCPPC – Parks Planning:** No Park Impacts.

**WSSC - Water:** Water pressure zone: 660A. A 370-foot-long non-CIP-sized water extension is required to serve the property. This extension would connect to an 8-inch water main in Norwood Rd (contract no. 2011-5216Z) and would abut approximately 1 property in addition to the applicant's. Construction of the extension may involve the removal of trees. Local service is adequate. Program-sized water main extensions (16 inches

in diameter or greater) are not required to serve the property.

**WSSC - Sewer:** Basin: Northwest Branch (10). A 155-foot-long 1 ¼ - inch pressure sewer line is required to serve this property. This extension would connect to contract # 1995-1449Z in Norwood Rd. Average wastewater flow from the proposed development: 300GPD. Program sized sewer mains are not required to serve the property. Interceptor capacity is adequate.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert Hoyt  
Director

MEMORANDUM

May 17, 2010

TO: Mike Harmer, Group Leader, Development Services Group  
Washington Suburban Sanitary Commission

FROM: Alan Soukup, Senior Environmental Planner, Water and Wastewater Policy Group  
Department of Environmental Protection

SUBJECT: Public Health Problems

A handwritten signature in dark ink, appearing to be "AS", located to the right of the "FROM:" line.

We request WSSC's assistance in expediting the provision of public sewer service to the following property:

**Sewer Service: 939 Norwood Rd., Cloverly**

Property I.D.:	Parcel P799, Snowdens Manor Enl. - (SDAT tax map: JS33)]
Owner:	Jose Calderon, <i>et al.</i>
WSSC grid:	222NW01
Planning Area:	Cloverly Norwood
Service Areas:	W-5 & S-6
Zoning/Size:	RE-2C Zone / 12,948 sq. ft. (0.30 ac.)
Watershed:	Northwest Br.

The Department of Permitting Services (DPS), Well and Septic Section, has advised this office of a public health problem, a septic system failure, at the subject property (see the attached memorandum). DPS recommended relief of this problem by connecting the site to public sewer service, due to the relatively small size of the property (less than 0.5-acre), the generally poor conditions of the soil, and the relative proximity to an existing low-pressure sewer main (#951449Z).

Although this property is designated as category S-6 in the County's Water and Sewer Plan, DPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. DEP will initiate the process to have the property owner file a request for a service area change from S-6 to S-3.

Given these conditions, it is reasonable to relieve this public health hazard by expediting the provision of public sewer service. **WSSC should not wait for the approval of a Water and Sewer Plan amendment to provide public service; public sewer service via the WSSC's system should be provided as soon as possible.** We would appreciate your assistance in this matter.

The property owner will need to contact WSSC to begin the application process for public sewer service. Neither DEP nor DPS staff can initiate a WSSC service application on the owner's behalf. Contact the WSSC

Mike Harmer  
May 17, 2009

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Development Services Group (DSG) at 301-206-8650 for additional information, or refer to the WSSC-DSG website at [http://www.wssc.dst.md.us/dsg-permits/dsg\\_home.cfm](http://www.wssc.dst.md.us/dsg-permits/dsg_home.cfm).

If you have any questions, or if there are significant problems related to provision of sewer service, please contact me at [alan.soukup@montgomerycountymd.gov](mailto:alan.soukup@montgomerycountymd.gov) or 240-777-7716.

Attachments

cc: Luis Tapia and Lisa Sine, Permit Services Unit, WSSC  
Dave Shen, Development Services Group, WSSC  
David Lake, Manager, Water and Wastewater Policy Group, DEP  
Gene VonGunten and Alan Turner, Well and Septic Section, DPS  
Katherine Nelson, Community-Based Planning/Environmental Unit, M-NCPPC  
Jose Calderon  
Elises Barahona, Romero Construction

ADS:ads/

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**MEMORANDUM**

May 13, 2010

**TO:** Alan Soukup  
Water and Waste Water Management  
Montgomery County Department of Environmental Protection  
255 Rockville Pike  
Rockville, MD 20850

**FROM:** Alan Turner, R.S.  
Environmental Health Specialist  
Well and Septic Section  
Montgomery County Department of Permitting Services  
255 Rockville Pike  
Rockville, MD 20850

**RE:** Request for Public Sewer Connection

939 Norwood Road  
Tax Map Grid JS43- Parcel 799,  
WSSC Grid: 222NW-01NW

The owner of the dwelling at the location noted above has requested our assistance in getting an expedited sewer connection to remedy a sewage disposal nuisance and existing health hazard upon the property. A Well and Septic inspection has verified the health hazard.

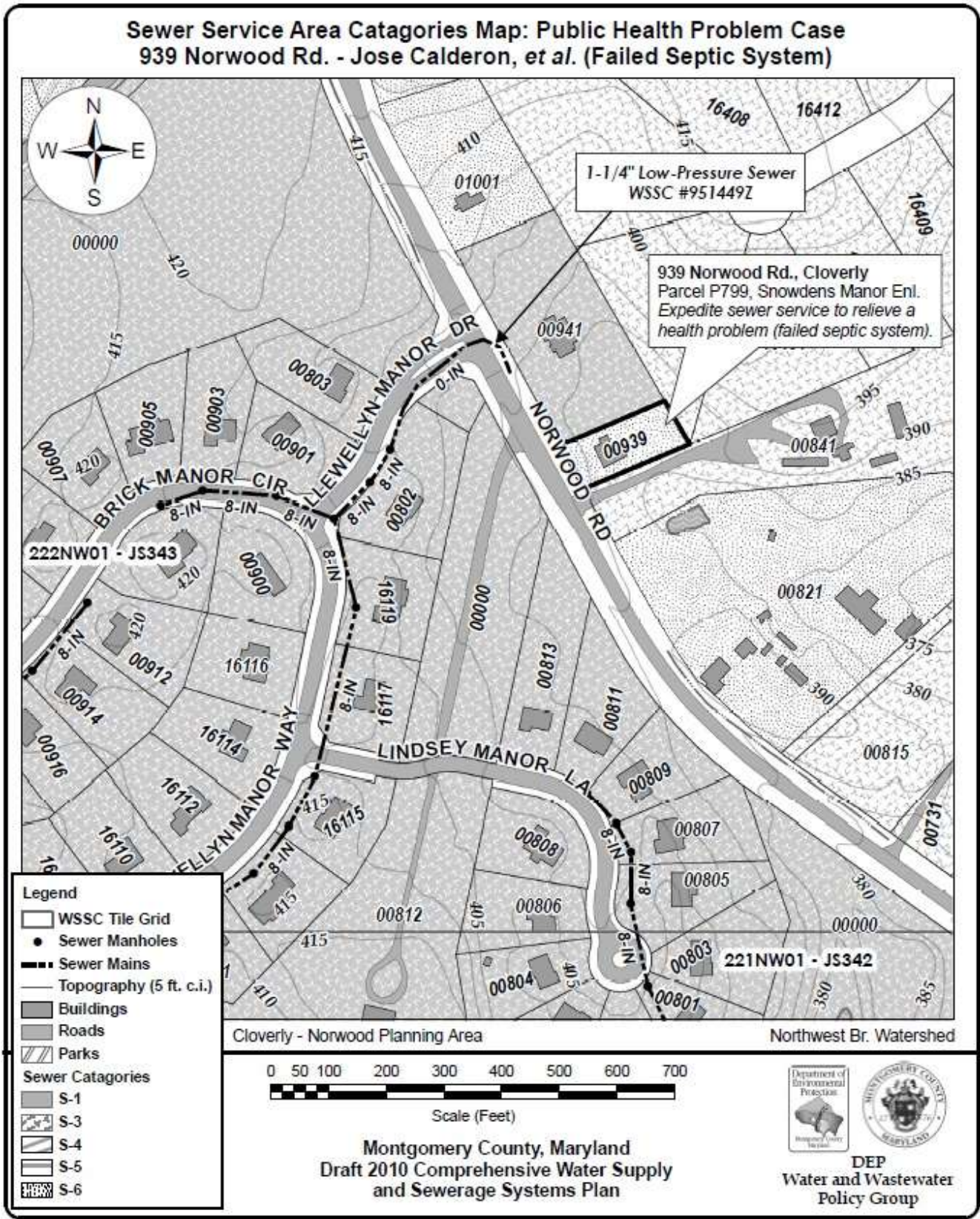
It appears the property is in category S-6 and will require a category change. The sewer service is non-abutting to the property and located on Norwood Rd at the intersection of Llewellyn Manor Drive and Norwood Rd.

We appreciate your efforts.

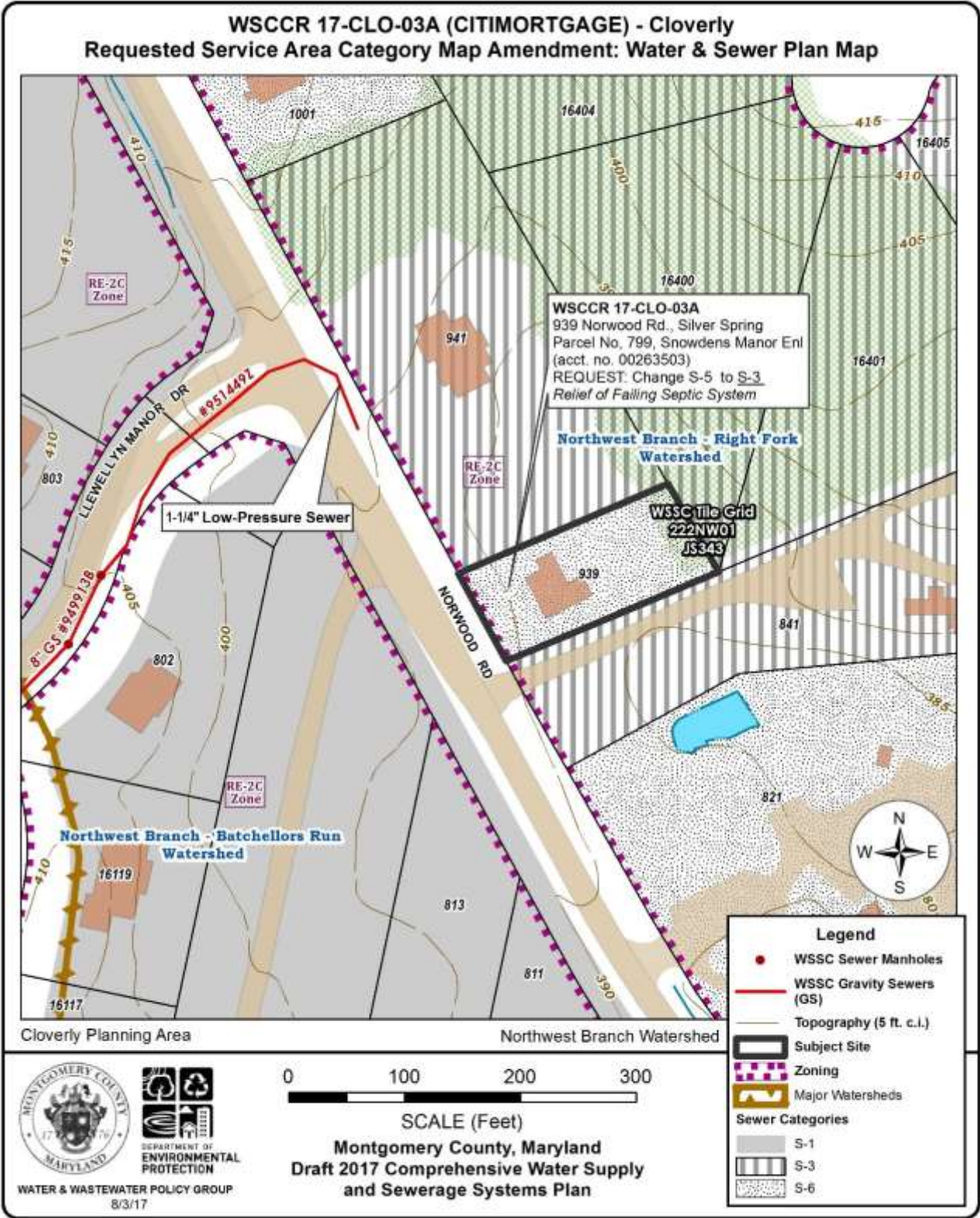
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cc: Luis Tapia, WSSC  
Kathy Maholtz, WSSC  
Jose Elias Calderon, Property Owner  
Gene Von Gunten, Well & Septic

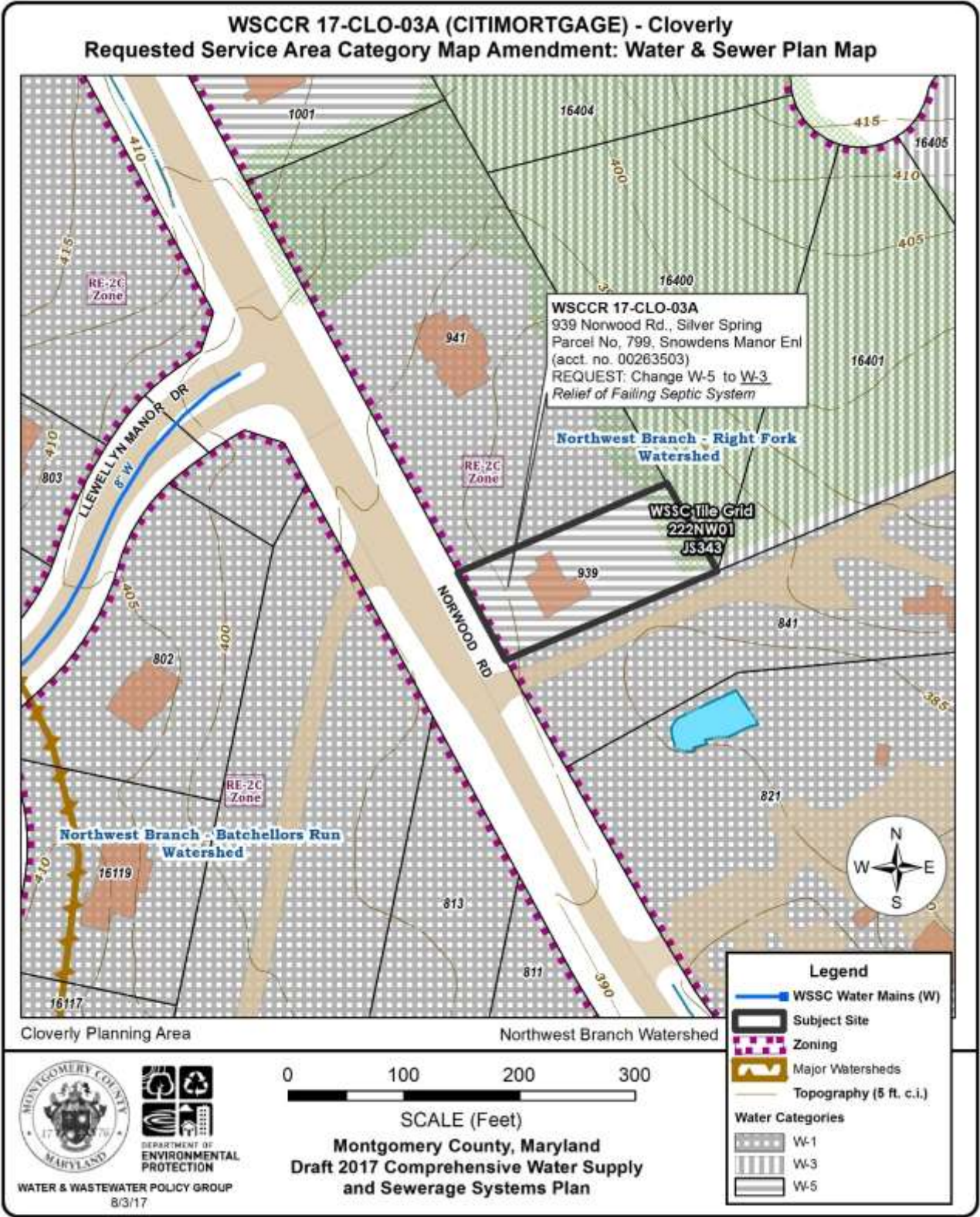












**WSSCR 17-TRV-09A: Glenstone Foundation**

**DEP Staff Recommendation: Approve W-3**, Administrative policy V.F.1.a: Consistent with Existing Plans. Note: DEP recommends the proposed water extension alignment from Greenbriar Rd. for providing service to this site. It will stay within public road rights of way and avoid another utility crossing under Greenbriar Branch.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> <li>12300, 12210, 12100, 12002 and 11900 Glen Rd., Potomac</li> <li>Lots 5, P6, 10, 11 and Parcel P527, The Hunt Club, Oak Grove Ground Lease and Belmont ETC (acct. no. 03671248, 03762914, 03676467, 03734984 and 00390652)</li> <li>Map tile: WSSC – 216NW12; MD –EQ56</li> <li>South side of Glen Rd. opposite Three Sisters Rd. and Greenbriar Rd.</li> <li>RE-2 Zone; 145.37 acres</li> <li>Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>Watts Branch Watershed (MDE Use I)</li> <li><u>Existing use</u>: Museum/ Residence</li> <li><u>Proposed use</u>: Museum expansion under-construction at this time, existing buildings to remain.</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6            <b>W-3</b></p> <p>S-6/S-3       S-6/S-3 (no change)</p> <p><u>Applicant's Explanation</u></p> <p>"An expansion of the museum facilities on the referenced Property by the Foundation is underway. This expansion consists of a new museum building, café uses, Arrival Gallery, Environmental Sustainability Center, gate house, and maintenance and utility buildings ("Glenstone II"). On behalf of the Foundation, we are submitting the enclosed application for an Administrative Water Category Change from W-6 to W-3 for the Property."</p>

**(Revised) DEP Staff Report:** The applicant has requested approval of water category W-3 to allow for public water service for a proposed museum expansion already under construction and to serve existing buildings. This property is 145.37 acre in size and zoned RE-2.

M-NCPPC staff have concurred that the Potomac Master Plan recommends community water service for this property. DPS staff support the category change to provide public water service. WSSC confirms that connecting the property to water service can be supported requiring a water main extensions. Program-sized water main extensions may be required.

The application was submitted with two alternative water alignments (see page 18), as well as the applicant's justification (see pages 19-23). DEP notes that the applicant's water extension alignment from Greenbriar Rd. will help to extend public water service to other W-3-designated properties in the vicinity of the Glenstone site. The main extension from Lake Potomac Dr. would require a second crossing of Greenbriar Branch. (A prior crossing of the stream was for public sewer service.) DEP recommends the applicant pursue the water extension alignment from Greenbriar Rd. to help extend public service to adjacent W-3 properties as well as avoiding a second crossing of Greenbriar Branch.

The applicant has also requested that the existing well water supply system be retained as a backup in the event of a public water system failure. WSSC, DPS and MDE will need to coordinate this issue as plans for the provision of public water service proceed.

The 2002 Potomac Master Plan, as well as the Water and Sewer Plan support public water service to areas zoned RE-2. The Master Plan defers to the Water and Sewer plan's policy which addresses the provision of public water service on a case-by-case basis, to areas zoned for low-density residential development, which includes the RE-2 zone. DEP staff recommendation is for the approval of category W-3, Consistent with Existing Plans.

**(DEP Staff report revised based on M-NCPPC's staff report)**



**Agency Review Comments**

**DPS:** DPS supports the category change to provide public water as the main water supply for the museum facilities. – H. Benham

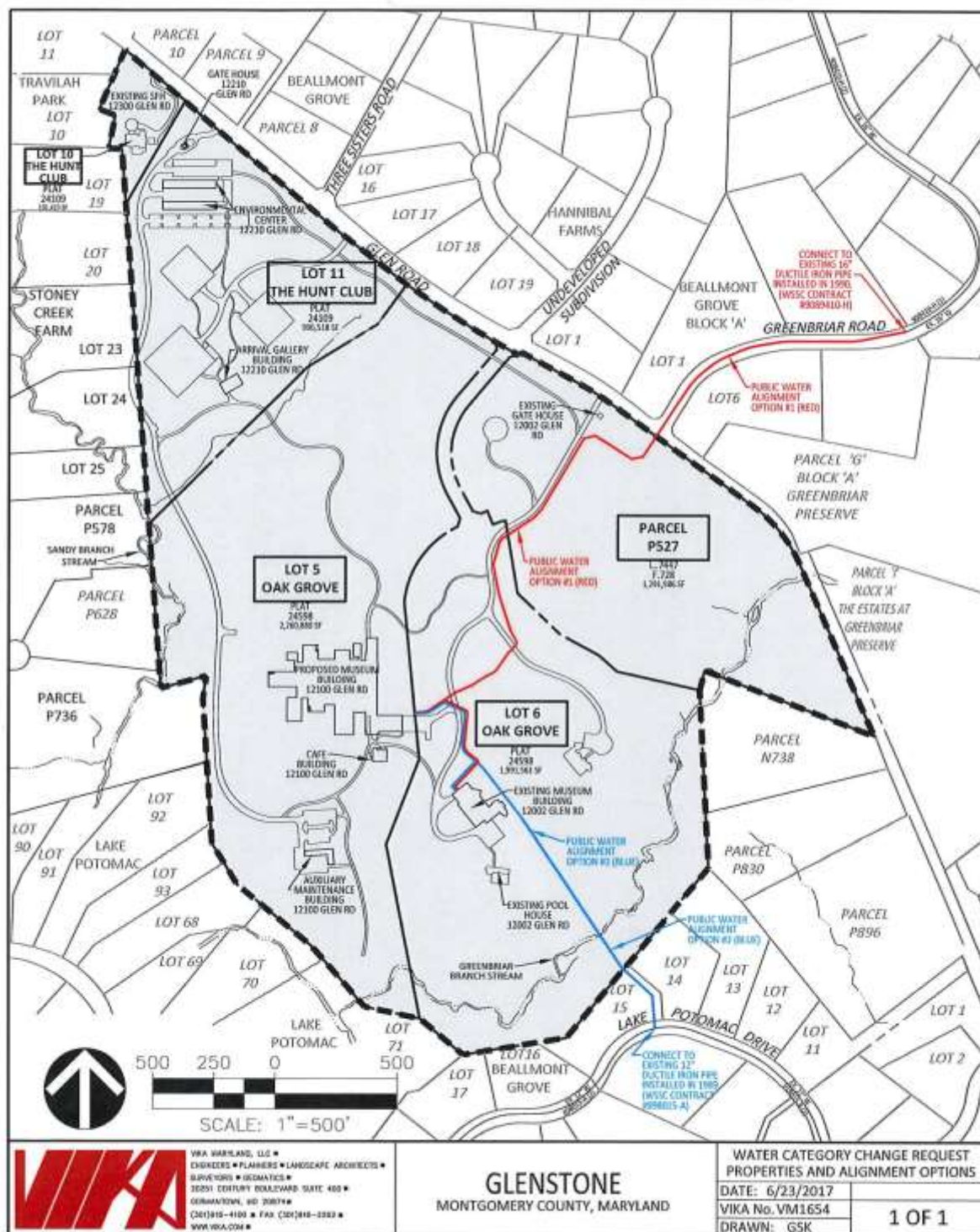
**M-NCPPC – Planning Dept.:** The Potomac Master Plan allows water service to be extended. This should be done along road rights-of-way that gives other property owners the opportunity to connect to this very lengthy extension.

**M-NCPPC – Parks Planning:** No park impacts.

**WSSC - Water:** Water pressure zone: 480A/560K. WSSC has a 12-inch water main located 325 feet away from the proposed property in Lake Potomac Drive in 480A Zone. WSSC has a 16-inch water main located 1200 feet away from the proposed property in Greenbriar Road in 560K zone. Local service is adequate. Program-sized water main extensions may be required to serve this property. This extension would not be required to appear in an adopted Capital improvement Program since it does not meet the criteria for a major project (COMAR 29 7-101.b.3).

**WSSC - Sewer:** *(not requested)*

17-TRV-09A



**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

17-TRV-094  
**RECEIVED**

**JUN 30 2017**

Environmental Protection

June 30, 2017

**Barbara A. Sears**  
[bsears@linowes-law.com](mailto:bsears@linowes-law.com)  
301.961.5157

**Scott C. Wallace**  
[swallace@linowes-law.com](mailto:swallace@linowes-law.com)  
301.961.5124

Mr. Alan Soukup  
Montgomery County Department of Environmental Protection  
Watershed Management Division  
255 Rockville Pike, Suite 120  
Rockville, Maryland 20850-4166

Re: Glenstone II - Application for Administrative Water Category Change – 152 Acres on Glen Road, Potomac - Lots 5 and 6, Oak Grove as shown on Plat No. 24598, Lot 10, The Hunt Club, as shown on Plat No. 24109 and Lot 11, The Hunt Club, as shown on Plat No. 25005 and Parcel 527 as shown on Tax Map No. EQ63 (collectively, the "Property")

Dear Mr. Soukup:

This Firm represents the Glenstone Foundation (the "Foundation"), which owns and operates the Glenstone museum on Glen Road in Potomac. The Montgomery County Department of Environmental Protection ("DEP") has confirmed that Glenstone is a non-profit, tax exempt entity registered to do business in the State of Maryland as the Glenstone Foundation, Inc. Further, DPS has also confirmed that the Foundation qualifies as a Private Institutional Facility ("PIF") in the County's Ten Year Comprehensive Water and Sewerage Systems Plan (the "Plan"). An expansion of the museum facilities on the referenced Property by the Foundation is underway. This expansion consists of a new museum building, café uses, Arrival Gallery, Environmental Sustainability Center, gate house, and maintenance and utility buildings ("Glenstone II"). On behalf of the Foundation, we are submitting the enclosed Application for an Administrative Water Category Change from W-6 to W-3 for the Property.

**The Property**

The Property, containing approximately 152.5 acres, is located on the west side of Glen Road in Potomac and is comprised of the above-referenced properties as shown on the attached Water Category Change Properties and Alignment Options Plan (the "Category Change Plan") prepared by Vika, Glenstone's civil engineer for the project (Attachment "1"). The Property currently includes a private museum known as Glenstone, the residence of Mitchell and Emily Rales,

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founders of Glenstone, and associated accessory structures. Glenstone II is currently under construction on the Property and is anticipated to be open to the public in the fall of 2018.

### **The Application**

The requested Water Category Change will allow for the extension of public water to the Property from nearby water lines to serve Glenstone II and existing structures on the Property. The Property is zoned RE-2 and, therefore, the Application is consistent with the Plan's policies to allow RE-2 zoned properties to be served by public water. See Plan, pages 1-15 and 1-16.

Glenstone contains one of the world's finest collections of post-World War II art. Its mission is the seamless integration of art, architecture, and landscape into a tranquil and reflective environment and the facilitation of an intimate connection between art and visitor. Glenstone II will provide much needed new gallery space and on-site art storage for the Foundation to fully realize its mission and allow more of its collection to be experienced by the public.

In pursuing its mission, Glenstone seeks long-term sustainability and the achievement of the highest quality in art, environment and architecture. Glenstone considers the impact of its designs and operations for decades to come - not the immediate need. In keeping with its mission and guiding principles, Glenstone is seeking to serve Glenstone II and the Property with public water in order to provide the most secure and reliable water supply for the protection and preservation of the art collection and to optimize the visitors' experience of this unique cultural asset to the County.

By way of background, Lot 5, Lot 6 and Parcel 527 are in Sewer Category S-3 and Glenstone II will be served by public sewer in accordance with sewer category change that was approved for the expansion by the Montgomery County Council on July 29, 2012, by Resolution No. 17-504 and approved by the Maryland Department of the Environment ("MDE") on November 8, 2012. The balance of the Property (Lots 10 and 11) are in Sewer Category S-6 and are not served by public sewer. As discussed during the sewer category application process, it was anticipated that the supply of water for domestic use, museum environment control, and fire protection for Glenstone II would come from a series of existing groundwater wells on the Property. Therefore, the Property remained in Water Category W-6, which is defined as an area appropriate for water supply by private wells.

In this regard, by letter dated August 3, 2016 the County approved Glenstone's application to include in the Plan a multi-use water supply system to serve the new museum building and café on Lot 5 (the "Multi-Use System"). The Multi-Use System utilizes a water filtration system for filtration and treatment ("WFS"). In order to construct the WFS, the Foundation was required to obtain a construction permit and a Water Appropriation Permit from the MDE. The other



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buildings under construction for Glenstone II, including the Arrival Gallery and Environmental Sustainability Center on Lot 11, are served by existing wells on the Property.

In 2016, Glenstone completed the construction of a Multi-Use System and WFS as approved by the County and MDE. The Multi-Use System and WFS is supplied by three existing wells on the Property, with a fourth well available for emergency use only in the event of a failure of the three main wells.

The Multi-Use System is adequate for Glenstone II's domestic use and mechanical systems demands. However, a museum environment requires hot water, chilled water, electricity, and steam to maintain the temperature (70°F) and relative humidity (50%), within very tight tolerances. These building conditions are difficult to maintain and when there is a breakdown with any of the utilities the conditions can drift outside of ideal conditions within a few minutes. Long term damage to sensitive works such as photographs and paper can be irreversible within a very short time. Thus, Glenstone places a significant emphasis on backup systems for all utilities to ensure it is safely preserving these works for generations. Glenstone has built in redundancies for all of its systems (electric, communications, cooling, heating, water, and others) to mitigate risk to visitors and staff, and preserve its valuable art collection.<sup>1</sup> As part of the Multi-Use System, Glenstone included redundancies in the Multi-Use System to mitigate equipment breakdown, but it remains dependent upon environmental and hydrogeological factors that are beyond its control. For example, one of the wells supplying the Multi-Use System was recently taken off the supply line because of a high mineral content. Although the other wells compensated for the loss, this event highlights changes that can rapidly occur, underscoring the desirability and benefits of public water.

To mitigate these risks with regard to the water supply, Glenstone has determined the option that can be implemented most efficiently is to connect to the public water system consistent with the Plan.<sup>2</sup> Glenstone has identified possible connection points to two existing water lines, in Lake Potomac Drive and in Greenbriar Road, as shown on the Category Change Plan.

<sup>1</sup> For example, electric power supplied by PEPCO is backed up by both battery inverters and generators fueled by both natural gas and diesel fuel. Glenstone has generators that can power the entire site using multiple fuel sources to protect from possible interruptions to the fuel supply. Further, communications to the museum are provided by two different internet service providers, each connecting to the site in two different places yielding four independent services. These communication systems are configured to automatically roll over from one service to another in the event of an interruption or failure.

<sup>2</sup> In addition, as a condition of the County and MDE approvals of the Multi-Use System, Glenstone is required to operate the system under the supervision of a Licensed Water Plant Operator and to monitor, test, and report to MDE on a regular basis. These requirements are nearly the same for municipal

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Neither of the alternatives would require extension of lines across any properties not owned by the Foundation, and both extensions could be constructed with no detrimental environmental impacts. Both alternatives would be acceptable to Glenstone. However, we do note that Water Category Change No. H-TRV-03A was approved by the County in 2014 for the Hannibal Farm subdivision located immediately across Glen Road from the Property with a proposed extension of the existing water line in Greenbriar Road down to Glen Road along the frontage of Glenstone. This approved extension is similar to the extension shown on the Category Change Plan as Option 1.

If the Application is approved, Glenstone intends to keep the existing wells on the Property in service as a backup water source and will continue to report usage and monitor the water plant while it is dormant. To prevent water from the private wells from entering the public water system if the Application is approved, Glenstone will install a check valve or double check valve (at WSSC's discretion) in the WSSC meter vault. WSSC has a standard detail for a water meter vault with a check valve. See WSSC Standard Detail W/5.0i, attached as Attachment "2". In summary, extending the public water supply to Glenstone will result in two sources of water for Glenstone II and provide the level of redundancy and the tools for Glenstone to manage risks long-term and ensure the long-term preservation of the art collection.

We request that the Application be included in the next group of administrative category change requests, which we understand is scheduled for processing for review and approval in the second half of 2017. Our request takes into consideration the optimal time for Glenstone to perform this infrastructure work if the Application is approved before Glenstone II opens to the public next year, and would allow Glenstone to install and restore the areas affected by construction before the opening of the expansion to the public.

Enclosed please find an Application form for the Category Change Report, with supporting materials.

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drinking water treatment plants and imposed a significant administrative and financial burden on Glenstone.

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**LINOWES**  
AND **BLOCHER LLP**  
ATTORNEYS AT LAW

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Upon review of this letter and the enclosed application materials, please do not hesitate to contact us if you have any questions. Thank you for your continued assistance on this project.

Very truly yours,

**LINOWES AND BLOCHER LLP**



Barbara A. Sears



Scott C. Wallace

Attachments

cc: David Lake  
Mitchell Rales  
Tony Cervený  
Martin Lotz  
Ghassan Khouri



